WALGETT SHIRE COUNCIL

AGENDA

23 SEPTEMBER 2008

CAROLE MEDCALF
Acting General Manager

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15 September 2008

Walgett Shire Council
PO Box 31
WALGETT NSW 2832

NOTICE IS HEREBY GIVEN that the Ordinary Meeting of Walgett Shire Council will be held in the **Walgett Shire Council chambers commencing at 10.00am.**

Following the close of the meeting a photographer will take formal photos of the Council, the Council with senior staff, the Mayor. Morning Tea will then be served to Councillors, their guests and members of the public. To assist in the catering for morning tea, it would be appreciated if Councillors could advise Miss Jodie Gates on phone 6828 6116 of their likely number of guests. Advice would be appreciated by 10.00am Monday 22 September 2008.

AGENDA

1.   Opening of Meeting

2.   Acknowledgement of Traditional Owners

I would like to acknowledge the traditional owners of the lands within the Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.

3.   Apologies

It is a matter of great regret that I am unable to be present at your first meeting. Congratulations to all Councillors – I look forward to returning soon to support you in your endeavours.

Ray Kent - General Manager

4. Welcome to Visitors

5. Public Forum Presentations

(Limited to five minute presentations, and must relate to items listed within the Business Paper)

6. Declaration of Pecuniary/Non Pecuniary Interests

7. Confirmation of Minutes

The minutes of the previous Council meeting of 2 September 2008 were confirmed by the Administrator, Mr Vic Smith on 4 September 2008.

8. Reserve Trust Management Committee Reports - Nil

9. Mayoral Minutes - Nil

10. Motions of which notice has been given - Nil

11. Presentation of Petitions - Nil

12. Councillor's Questions with Notice - Nil

13. Business Arising from Minutes

14. Council's Oath of Office and Councillor Declaration

15. Reports of Delegates and Representatives - Nil

16. Reports of Officers

GENERAL MANAGER'S REPORTS

17. Reports of Committees - Nil

18. Questions without notice from Councillors - NIl

19. Confidential Reports/Closed Council Meeting - Nil

20. Close of Meeting

1. ELECTION OF MAYOR

REPORTING SECTION: General Manager

AUTHOR: Ray Kent - General Manager

FILE NUMBER: 145/08/03/00

Summary:

The first task of a new Council is to elect a Mayor. The procedure for the annual election of a Mayor by Councillors is described in Schedule 7 to the Local Government (General) Regulations 2005.

Discussion (including issues and background):

The role of the Mayor includes: to exercise urgent policy making functions of the governing body of the Council between meetings of the Council: to exercise such other functions of the Council as the Council determines; to preside at meetings of the Council; carry out the civic and ceremonial functions of the Mayoral office.

Fees for the Mayor and Councillors are set annually by Council having regard to determinations made by the Local Government Remuneration Tribunal. For the period 1st July 2008 to 30th June 2009 the Mayor will receive the Councillors fee of $9,060 plus the Mayoral fee of $19,790.

Support provided to Councillors is detailed in Council's "Payment of Expenses and Provision of Facilities for Councillors" Policy. In addition to receiving the entitlements of a Councillor the Mayor is provided with: a fully fueled, serviced and maintained vehicle for Council business to a standard equivalent to a Holden Berlina or Ford Fairmont; a mobile phone; a dedicated office in the Administration building at Walgett with computer and phone.

A Councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two or more Councillors. The nomination is not valid unless the nominee has indicated consent to the nomination in writing. A standard nomination form has been circulated under separate cover but any written notice satisfying the forementioned requirements can be used.

The nomination form is to be delivered or sent to the Returning Officer who is Mr Ian Taylor, Council's Director, Rural Infrastructure and Support Services. Nominations can be handed to Mr Taylor at the Meeting. The Returning Officer will announce the names of the nominees at the Meeting.

If only one Councillor is nominated, that councillor is elected.

If more than one Councillor is nominated than Council needs to determine whether the election is to proceed by Ordinary Ballot (secret ballot), Open Voting (a show of hands) or by Preferential Ballot.

If it is determined to proceed by Ordinary Ballot or Open Voting the Returning Officer determines how Ballot Papers are to be marked in the Ordinary Ballot (a tick or a cross or either mark against preferred candidate).

If there are only two candidates, the candidate with the higher number of votes is elected. If there are three or more candidates, the one with the lowest number of votes is excluded and a new vote taken. The process of exclusion and revoting continues until there are only two candidates remaining. If there is an equality of votes between the two remaining candidates, the one elected is chosen by lot. If during the exclusion process there is a tied vote between two candidates with the lowest number of votes, the one excluded is to be chosen by lot.

If Preferential Ballot is chosen the names of all candidates are placed on a Ballot Paper and Councillors must indicate an order of preference for all candidates starting with 1. than 2 , 3 etc.
If a candidate has an absolute majority of first preference votes, that candidate is elected. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

Relevant Reference Documents:

Local Government Act 1993; Schedule 7 "Election of Mayor by Councillors" of the Local Government (General) Regulations 2005

Stakeholders:

Councillors

Financial Implications:

Nil

Recommendations:

That if there are two or more candidates for the position of Mayor than the election proceed by Ordinary (secret) Ballot.

Attachments: Shedule 7 of the Local Government (General) Regulations 2005

SCHEDULE 7 – ELECTION OF MAYOR BY COUNCILLORS   [A1-480

(clause 394)

PART 1 – PRELIMINARY

Returning officer

1. The general manager (or a person appointed by the general manager) is the returning officer.

Nomination

2. (1) A councillor may be nominated without notice for election as mayor or deputy mayor.

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election

3. (1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

PART 2 – ORDINARY BALLOT OR OPEN VOTING

Application of Part

4. This Part applies if the election proceeds by ordinary ballot or by open voting.

Marking of ballot-papers

5. (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345(1)(b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

[Subcl (2) am Gov Gaz 168, 1.12.2006.]

(3) An informal ballot-paper must be rejected at the count.

[Cl 5 am Gov Gaz 168, 1.12.2006.]

Count – 2 candidates

6. (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

Count – 3 or more candidates

7. (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more

8. This Part applies if the election proceeds by preferential ballot.

Ballot-papers and voting

9. (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345(1)(b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

Count

10. (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this clause, "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

Tied candidates

11. (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal — the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes — the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

PART 4 – GENERAL

Choosing by lot

12. To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

Result

13. The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

    (a)   to be declared to the councillors at the council meeting at which the election is held by the returning officer, and

    (b)   to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

[The next page is A1-2201.]

2. POSITION OF DEPUTY MAYOR

REPORTING SECTION: General Manager

AUTHOR: Ray Kent - General Manager

FILE NUMBER: 145/08/03/00

Summary:

Council needs to determine whether to have a position of Deputy Mayor. This report provides Council with optional resolutions in respect of the subject.

Discussion (including issues and background):

Some Councils choose to have a position of Deputy Mayor. The Deputy assists the Mayor, chairs meetings and represents the Mayor if the Mayor is unable to attend a meeting or function. If the Mayor is granted leave of absence by Council than the Deputy assumes the role of Mayor. If there is a position of Deputy Mayor than Council normally resolves what proportion of the Mayor's fee is to be paid to the Deputy. If a Mayor takes leave of absence than the Deputy receives the total Mayoral fee. If there is to be a Deputy Mayor than normally the election follows exactly the same procedures as for the election of the Mayor.

If a Council chooses not to have a position of Deputy then the Mayor will invite a Councillor to represent him/her at functions depending on the nature and location of the event and having regard to the interests of different Councillors. If a Mayor is not present to chair a meeting then the members of the body in question elect a chairperson. If a Mayor takes leave of absence than the Councillors elect an Acting Mayor.

If Council wishes to have a Deputy Mayor than the following Draft Resolution, or variation of same, should be considered:

" That:
1. There be a position of Deputy Mayor
2. 25% of the Mayor's fee be paid to the Deputy Mayor (ie the Mayor's fee is reduced by 25%)
3. The election of a Deputy Mayor be by Ordinary (secret) Ballot
4. The election for the position of Deputy Mayor be conducted at the September Ordinary Meeting of Council."

If Council does not wish to have a position of Deputy Mayor then it should be resolved as follows:

"That Council not have a position of Deputy Mayor"

Relevant Reference Documents:

Nil

Stakeholders:

Councillors

Financial Implications:

Nil

Recommendations:

That the report be received.

3. BRIEFING AND TRAINING SESSION FOR 2008/2012 COUNCIL

REPORTING SECTION: General Manager

AUTHOR: Ray Kent - General Manager

FILE NUMBER: 145/02/05/00

Summary:

It is important that a Briefing/Training Session be held as early as possible in the term of the new Council.

Discussion (including issues and background):

To be effective Councillors and to avoid actions and behaviour which are contrary to the Legislation, Regulations, Policies and Codes that govern and guide Councils and Councillors, it is important that Councillors receive appropriate briefings and training at the commencement of their term.

It is proposed that a Briefing/Training Session be held in the Council Chamber on Tuesday 30th September (or another day determined by Councillors) commencing at 10.00 am and concluding at approximately 4.00 pm.

The Agenda for the Session would include:

1. An overview of: the structure of Councils finances and Budget; Council's financial position and the Management Plan 2008/09 to 2012/13
2. A briefing by each Director on major projects, studies, key recurrent activities and issues
3. Review of Council's Code of Meeting Practice and Code of Conduct

The opportunity would also be taken to visit sites of interest within Walgett such as: the Depot; tip; Council property holdings; site of proposed medium density housing scheme; levee; youth centre and the like. A days tour of the other towns and villages within the Shire will be scheduled at the Briefing/Training Session.

Relevant Reference Documents:

Management Plan, various Codes, Operational Plan

Stakeholders:

Councillors

Financial Implications:

Minor and budgetted for

Recommendations:

That a Briefing/Training Session be conducted for Councillors in the Council Chamber commencing at 10.00 am Tuesday 30th September

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4. ORDINARY MEETINGS OF COUNCIL

REPORTING SECTION: General Manager

AUTHOR: Ray Kent - General Manager

FILE NUMBER: 004/09/03/84

Summary:

Council must set the time, date and place/s for Ordinary Meetings of Council.

Discussion (including issues and background):

Section 365 of the Local Government Act 1993 requires that a Council meet at least ten times each year, each time in a different month.

Walgett Shire Council, like most other Councils, has not held meetings in January. In recent times Council has met at 10.00 am on the third Tuesday of each month, other than in the month of January.

For a number of reasons, including when public holidays fall, Councils generally avoid holding meetings on Mondays and Fridays.

In geographically large country Councils, where there are a number of dispersed urban centres, evening meeting times are generally avoided so that Councillors are not required to travel significant distances in the dark.

It is very much up to Councillors to jointly determine times and days for meetings having regard to their individual circumstances.

Walgett Council, like many others, has in the past held a number of its meetings in towns and villages other than where the Council Chamber is located. The purpose of such meetings is to provide residents the opportunity to witness a Council meeting and raise issues directly with the Council. Such meetings also provide an opportunity for Councillors to carry out site inspections of places they might otherwise not visit.

A starting point recommendation is provided below.

Relevant Reference Documents:

Local Government Act 1993

Stakeholders:

Councillors and residents

Financial Implications:

Minor

Recommendations:

That:

1. **Council conduct eleven Ordinary Meetings a year in the months February to December inclusive.**

2. **Ordinary Meetings of Council be held on the third Tuesday of the month commencing at 10.00 am**

3. **In any Calendar year one Ordinary Meeting of Council be held in each of Lightning Ridge, Collarenebri, Rowena, Burren Junction and Carinda**

4. **The October 2008 Ordinary Meeting of Council be held in Walgett**

5. **A proposed schedule of places for Ordinary Meetings for the coming twelve months be considered at the October Ordinary Meeting of Council**

5. COUNCIL DOCUMENTS AND RELATED INFORMATION

REPORTING SECTION: General Manager

AUTHOR: Ray Kent - General Manager

FILE NUMBER: 145/02/05/00

Summary:

There are certain key documents that Councillors will need to become familiar with as soon as possible. Additionally, there are Returns and Information Sheets that need to be completed.

Discussion (including issues and background):

The following documents have been circulated under separate cover:

1. Management Plan 2008/09 to 2012/13. The Management Plan also contains Council's current Budget
2. A bound portfolio containing the following key documents: Code of Meeting Practice; Code of Conduct; Policy on "Payment of Expenses and Provision of Facilities to Councillors".
3. An Information and Request Sheet to be completed by Councillors.
4. A "Disclosure of Interest Return" which must be completed by each Councillor and returned to the General Manager for tabling before Council and inclusion in a Register which is controlled by the General Manager.
5. A Calendar of Events covering 12 months which is updated monthly and circulated with each Council Agenda
6. Two organisation Charts. One describes the distribution of program responsibilities between Divisions (including responsibility for external bodies) and the other identifies staff and positions.
7. Training Schedule

Further documents will be distributed and discussed at the Briefing/Training Session including the Organisation's Operational Plan which identifies schedules over the next 18 months: key recurrent activities; projects; studies; capital works.

Relevant Reference Documents:

As identified above

Stakeholders:

Councillors and staff

Financial Implications:

Nil

Recommendations:

That the report be received.

6. COUNCIL DELEGATES/REPRESENTATIVES TO, AND MEMBERS OF, EXTERNAL BODIES AND ORGANISATIONS

REPORTING SECTION: General Manager

AUTHOR: Carole Medcalf - Acting General Manager

FILE NUMBER: 004/09/03/84

Summary:

Council is represented on a number of external committees. This representation is currently undertaken mainly by staff members who will need to be replaced by elected representatives.

Discussion (including issues and background):

There are a number of committees that have the Mayor and General Manager as standing representatives but Council may choose to have an alternate to the Mayor as well if Councillors wish to. There are also committees which require only Councillor representation.

Some committees are mainly operational committees and as such require staff representatives only.

Relevant Reference Documents:

Nil

Stakeholders:

Walgett Shire residents, Councillors, Council staff and external committees

Financial Implications:

Nil

Recommendations:

That Councillors nominate for committees of interest and that the position of delegate be decided by majority vote.

Attachment
List of Committees and vacancies.

DELEGATES TO COMMITTEES

COMMITTEE	CURRENT DELEGATES	COUNCILLOR REQUIREMENT
Australian Airports Association	Director Urban Infrastructure Services	Not required
Barwon Darling Alliance	General Manager	Mayor and Alternate Councillor
Camps on Claims Working Group	Director Planning and Regulatory Services	Not required
Castlereagh Macquarie County Council	Mr Robert Greenaway (Observer)	Councillor Required
Community Working party	General Manager	Councillor Required
Floodplain Management Authorities Group	Director Urban Infrastructure Services	Mayor and Alternate Councillor
Kamilaroi Highway Group	Tourism Development Officer	Not required
Lightning Ridge/Goodooga Reference Group	General Manager	Councillor Required
Lightning Ridge Mining Board	Director Planning and Regulatory Services	Councillor Required
Lightning Ridge Tourism Board	Director Corporate and Community Services	Not required
Local Emergency Management Committee	Director Rural Infrastructure and Support Services	Councillor Required
Local Government Group of the Namoi Catchment Management Authority	Director Urban Infrastructure Services	Councillor Required
Mungindi Menindee Advisory Council	Mrs Margaret Bow (Observer)	Councillor Required
Namoi Peel Catchment Customer Service Committee	Director Urban Infrastructure Services	Councillor Required
Netwaste (Waste minimisation)	Director Urban Infrastructure Services	Councillor Required
Northern Regional Library	Director Corporate & Community Services	Councillor Required
Orana Area Consultative Committee	General Manager Representative	Councillor Required
Orana Regional Organisations of Council	General Manager	Mayor and Alternate Councillor
Outback Arts Incorporated	General Manager Representative	Councillor Required
Outback Regional Tourism Organisation	Tourism Development Officer	Councillor Required
Regional Procurement Initiative	Director Rural Infrastructure and Support Services	Councillor Required
Rural Bushfire Group Management	Director Rural Infrastructure & Support Services	Councillor Required
Police Precinct Committee	General Manager	Mayor and Alternate Councillor
Saleyards Advisory Committee	Director Urban Infrastructure Services	Councillor Required
Shire's Association of NSW C Division of the Shire's Association, Western Division of the Shire's Association	General Manager	Mayor and Alternate Councillor
Local Traffic Committee	Director Rural Infrastructure and Support Services	Councillor Required
Walgett and District Tourism Association	Tourism Development Officer	Councillor Required
Walgett and Collarenebri Reference Group	General Manager	Councillor Required
Walgett Community College Board	Director, Corporate and Community Services & Aboriginal Liaison Officer	Councillor Required
Walgett Shire Interagency Group	General Manager representative	Councillor Required
Weight of Loads Committee	Director Rural Infrastructure and Support Services	Councillor Required

* Councillors are not required on some committees as these are only operational